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MONTANA STATE

DEPARTMENT OF
LABOR AND INDUSTRY

LABOR STANDARDS DIVISION

FOR FISCAL YEAR ENDED

JUNE 30, 1974

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STATE OF MONTANA

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Department of Labor and Industry
Labor Standards Division

1331 HELENA AVENUE, HELENA, MONTANA 59601

THOMAS L. JUDGE
GOVERNOR OF MONTANA

SIDNEY T. SMITH
COMMISSIONER OF LABOR & INDUSTRY

TONY SOFTICH
ADMINISTRATOR

The Honorable Thomas L. Judge
Governor of the State of Montana
State Capitol Building
Helena, Montana 59601

Dear Governor Judge:

In accordance with the requirements of Section 82-4002, R.C.M., 1947, the Labor Standards Division herewith transmits this report for the fiscal year 1974.

Major emphasis was in the field of apprenticeship, wage collection and compliance of wage and hour laws.

The division is handicapped by abiding with the provisions of the Administrative Procedures Act as time consuming, mostly detrimental to employees and costly expenditures to the division.

Legislation has imposed more obligations upon the division without additional funding or personnel, and an ever increasing work load seeking compliance of Labor Laws.

Respectfully submitted,

Tony Softich, Administrator
Labor Standards Division



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PRINCIPAL OFFICERS

LABOR STANDARDS DIVISION
1331 HELENA AVENUE
HELENA, MONTANA 59601

Tony Softich - Administrator

Richard A. Michels - Apprenticeship Bureau Chief

Richard J. Kane - Standards Bureau Chief

Board of Personnel Appeals (See Appendix)

Human Rights Commission (Vacant)

Women's Bureau (Vacant)

Status of Women Advisory Council

Barbara Bennetts - 25 South Benton Avenue, Helena 59601

Madeline Colliflower - Hayes 59527

Dorothy Garvin - 110 Tenth Avenue West, Kalispell 59901

Vicki McLucas - 890 Granite Avenue, Helena 59601

Sandra R. Muckelston - 4236 Wylie, Missoula 59801

Mary Munger - P. O. Box 771, Helena 59601

Eleanor Old Coyote - P. O. Box 415, Crow Agency 59022

Bernice Rhea - 1311-9th West, Billings 59101

Phyllis Sherburne - 2920 4th Avenue South, Great Falls 59401

Maxine Johnson - 3717 Creekwood Drive, Missoula 59801



LEGAL REFERENCES

The Labor Standards Division is responsible for enforcement of R.C.M. 1947 as amended of the following statutes:

10-201 through 210-(41-101-501) - (41-701-703) - (41-1101-1137)
(41-1201-1206) (41-1301-1324) (41-1417-1438) (41-1801-1805)
(41-2001-2010) (41-2201-2209) (41-2401-2403) (64-301-312)
(82-4201-4225)



PRINCIPAL GOALS

To achieve harmonious relations between labor and industry, compliance of labor laws, and abolish discrimination.

Oversee that proper training in apprenticeship and on-the-job training programs are provided in accordance to State and Federal Standards.

Establish controls over private employment agencies to minimize exploitation of labor and business.

Implement the Women's Bureau created by the 1973 session of legislature, but not funded until the 1974-75 fiscal year.

Implement the Human Rights Bureau created by the 1974 session of legislature commencing July 1, 1974.

Enforce public works contracts to eliminate unfair competitive bidding by out of state contractors.

Provide services to Registered Nurses and Licensed Practical Nurses to establish units for purposes of collective bargaining.



MAJOR ACCOMPLISHMENTS

WAGE AND HOUR

Minimum Wage - 304 complaints were investigated, of which we found 159 violations involving 246 employees in 41 counties and recovered \$69,405.47.

Fifty-one (51) complaints filed were unjustified, 19 were turned over to the U. S. Department of Labor, 14 to various county attorneys for prosecution, and 61 are still pending.

Eighty-nine (89) field inspections were made, 35 formal hearings and 52 informal hearings were conducted.

WAGE COLLECTION

An amount of \$54,845.93 was collected as unpaid wages for 231 employees in 39 counties.

Seven (7) claims were turned over to county attorneys for collection, 7 formal hearings and 24 informal hearings were conducted, and 124 claims are pending.

APPRENTICESHIP

The Apprenticeship Bureau services 706 apprenticeship programs containing 1641 apprentices and 732 on-the-job training programs with 619 trainees. Of the 2260 apprentices and trainees registered with the Bureau, 1320 are veterans receiving V.A. benefits through the G.I. Bill.

AGE CERTIFICATES

A total of 430 age certificates were issued.

NURSES' EMPLOYMENT

Elections were conducted in Glendive, Anaconda, Havre, Missoula and the Cascade County Health Department.



PROGRAM COST SUMMARY 73-74

PROGRAM

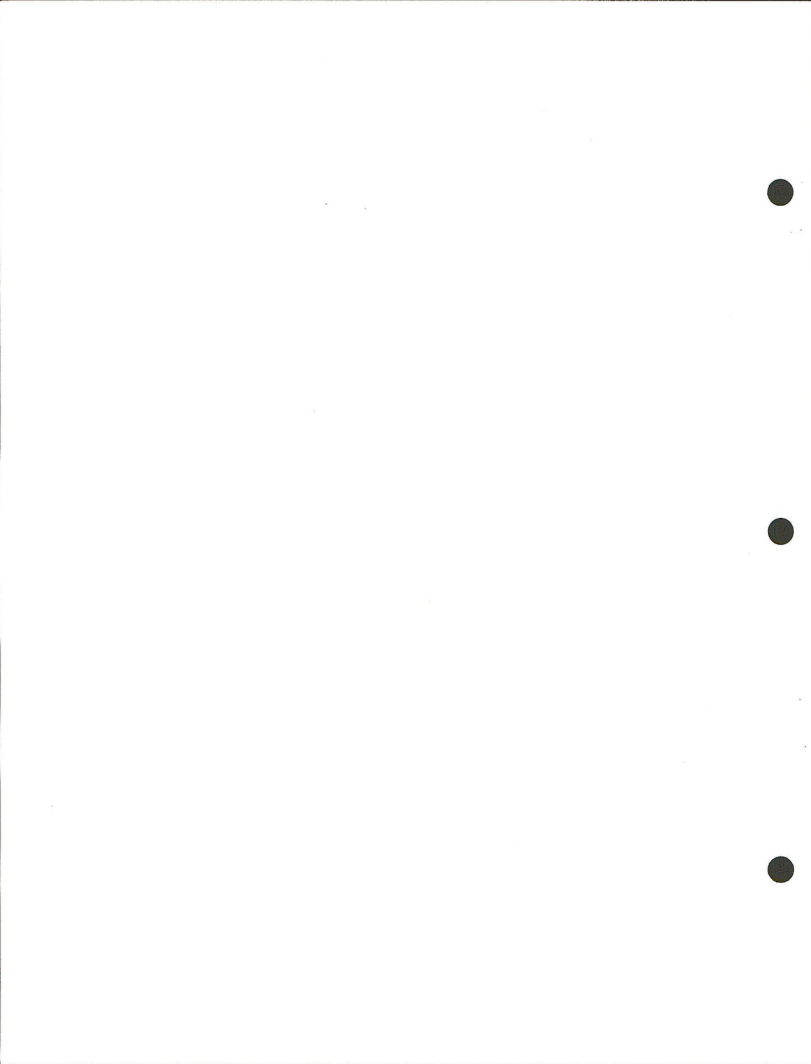
General Fund Labor Standards	144,615.
Labor & Industry (02590/24035)	1,122.
Labor & Industry (04810/43274)	43,407.
Labor & Industry (04810/	40,225.
Total	<hr/> 229,369.

SUMMARY

Personal Services	164,167.
Operating Expenses	59,630.
Equipment	5,572.
Total	<hr/> 229,369.

SUMMARY OF FUNDING

Veterans Administration	40,225.
General Fund	144,615.
Federal Revenue	44,529.
Total	<hr/> 229,369.



APPENDIX



ANNUAL REPORT
OF THE
BOARD OF PERSONNEL APPEALS
DEPARTMENT OF LABOR & INDUSTRY

TO THE
GOVERNOR OF MONTANA
HONORABLE THOMAS L. JUDGE

FOR THE
FISCAL YEAR ENDED
JUNE 30, 1974





State of Montana

Board of Personnel Appeals

1406 Gallatin Avenue, Helena, Montana 59601

PATRICK F. HOOKS, CHAIRMAN

ROBERT R. JENSEN, EXECUTIVE SECRETARY

LABOR REPRESENTATIVES
DUANE JOHNSON
WARREN HARPER

MANAGEMENT REPRESENTATIVES
JOSEPH B. REBER
FRANCIS J. RAUCCI

The Honorable Thomas L. Judge
Governor of the State of Montana
State Capitol Building
Helena, Montana 59601

Dear Governor Judge:

In accordance with the requirements of Section 82-4002, R.C.M., 1947, there is herewith transmitted to you the report of the Board of Personnel Appeals, Department of Labor and Industry covering the fiscal year ended June 30, 1974.

In its first year of operation the Board of Personnel Appeals' primary objective was establishment of procedures to regulate the collective bargaining process in the public sector. This has been accomplished; despite uncertain beginnings due to the lack of an appropriation and a staff, the Board is now fully operational.

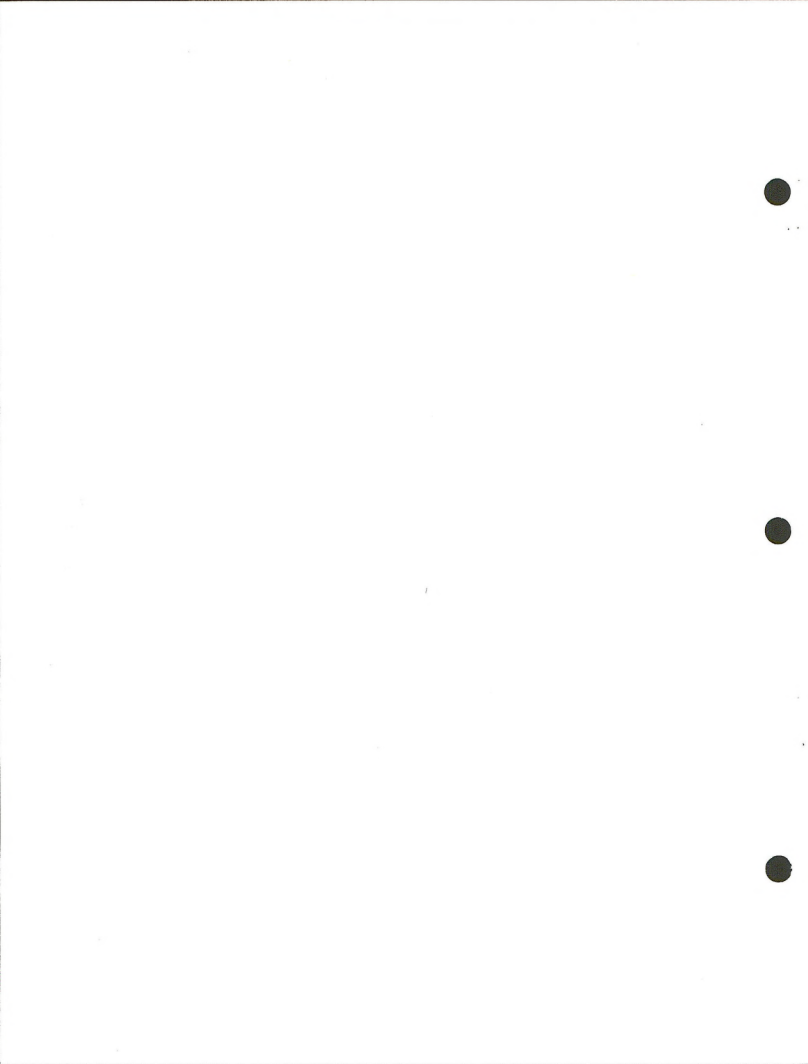
Sincerely,

Patrick F. Hooks,
Chairman
Board of Personnel Appeals



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AGENCY ORGANIZATION

Board of Personnel Appeals
1434 Roberts
Helena, Montana 59601

Executive Secretary - Robert R. Jensen
Legal Counsel - Peter O. Maltese, Esq.

Board Members:

Chairman, Patrick F. Hooks
Appointed July 20, 1973; term expires January 3, 1977
Home Address: 218 Broadway, Townsend, MT 59644

Labor Representative, Duane Johnson
Appointed July 20, 1973; term expires January 3, 1977
Home Address: 224 Pattee Creek Drive, Missoula, MT 59801

Labor Representative, Warren Harper
Appointed July 20, 1973; term expires January 3, 1977
Home Address: P. O. Box 51, Livingston, MT 59047

Management Representative, Joseph B. Reber, Sr.
Appointed July 20, 1973; term expires January 1, 1979
Home Address: 801 Flowerree, Helena, MT 59601

Management Representative, Francis J. Raucci
Appointed November 12, 1973; term expires January 1, 1979
Home Address: 2211 Cherry Drive, Great Falls, MT 59404



LEGAL REFERENCES

The Board of Personnel Appeals is created under Section 82A-1014, R.C.M., 1947. This section gives the Board the responsibility of hearing appeals resulting from the classification and wage plan developed by the Department of Administration.

Under Section 59-1601 through 59-1616, R.C.M., 1947, the Board of Personnel Appeals is given the responsibility of administering the collective bargaining process in the public sector.



MAJOR RESPONSIBILITIES

1. Establish rules and regulations for the collective bargaining process.
2. Process certification and decertification petitions.
3. Determine appropriate bargaining units.
4. Conduct representation elections.
5. Certify employee organizations as exclusive representative of employees in an appropriate bargaining unit.
6. Coordinate impasse procedures.
7. Remedy unfair labor practices.
8. Establish procedures for state government employees' classification and wage appeals.



MAJOR ACCOMPLISHMENTS

COLLECTIVE BARGAINING

The "Montana Public Employees Collective Bargaining Act" became law on July 1, 1973. The Board of Personnel Appeals, which has statutory responsibility for administration of the law, was appointed in late July 1973; the Board's staff was hired in October 1973. The Board of Personnel Appeals began operations without its own appropriation. Staffing was provided through use of Emergency Employment Act funds and a Department of Administration loan; general functions were funded by the Departments of Administration and Labor & Industry. It was not until April 1974 that the Board had its own money budgeted to work with.

With this as background, the Board of Personnel Appeals was able to achieve these major accomplishments:

1. Promulgated and adopted Emergency Rules for regulation of the collective bargaining process. These Emergency Rules took effect November 30, 1973. Permanent Rules and Regulations were adopted and took effect April 4, 1974. These Permanent Rules were revised and amended effective June 4, 1974.
2. The Board determined thirty-one appropriate bargaining units involving state, county, and municipal government employees and conducted representation elections in each case. The Board heard and ruled on eight unfair labor practice charges. The Board conducted mediation and/or fact-finding in sixteen situations involving impasse in contract negotiations.



PROGRAM COST SUMMARY

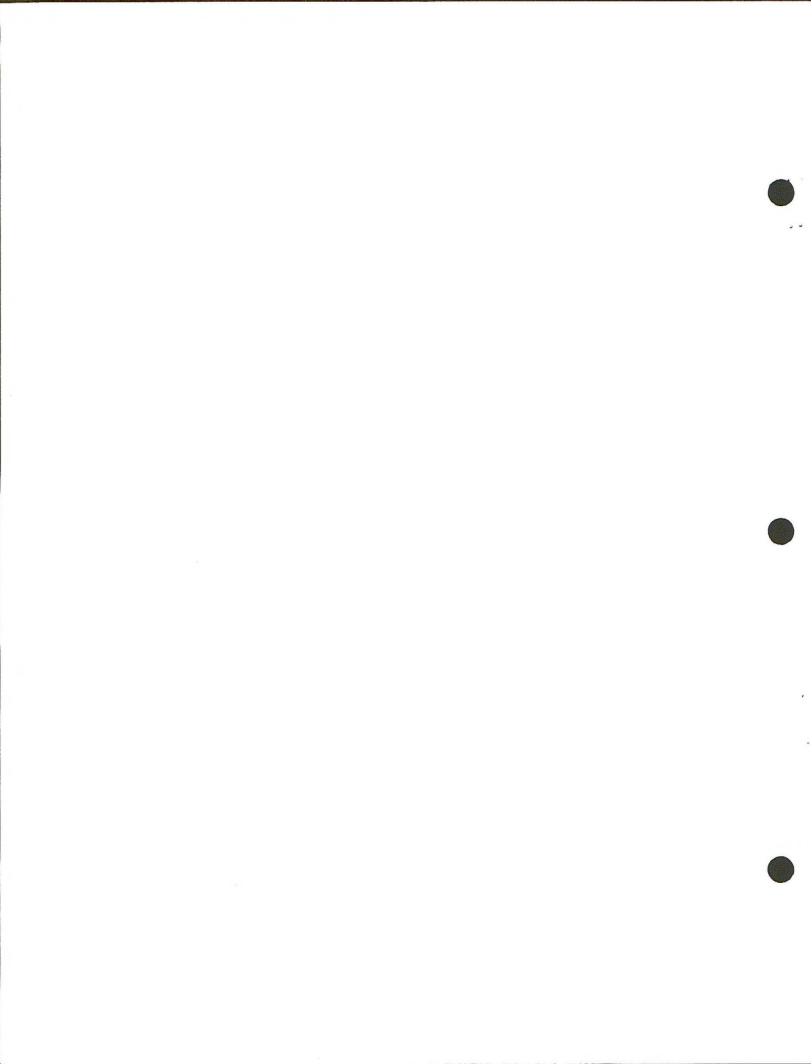
<u>PROGRAM</u>	<u>FISCAL YEAR</u>	
	1972-73	1973-74
6601.02 Board of Personnel Appeals	\$ 00	\$39,409

SUMMARY

Personal Services	00	19,891
Equipment	00	5,708
Travel Expenses	00	4,831
Contracted Services	00	5,712
Operating Expenses	00	3,267
Total -----	00	\$39,409

SUMMARY OF FUNDING

General Fund	00	\$29,278
E. E. A.	00	9,667
Revolving	00	464
Total -----	00	\$39,409



PROGRAM ANALYSIS

COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES

GOAL: "To encourage the practice and procedures of collective bargaining to arrive at friendly adjustment of all disputes between public employers and their employees."
(Section 59-1601, R.C.M., 1947.)

OBJECTIVES: 1. Assure public employees a swift, impartial, and responsive procedure for organization and selection of collective bargaining representatives.

2. Provide fair and prompt adjudication of public employees' and employers' unfair labor practice charges.

3. Provide qualified, impartial mediators, fact finders, and arbitrators to resolve disputes involving impasses in collective bargaining contract negotiations.

EVALUATION: 1. The Board of Personnel Appeals certified labor organizations as exclusive representative of employees in 23 appropriate bargaining units.

2. The Board heard and ruled on eight unfair labor practice charges, Board decisions in two of these cases were appealed to district court.

3. The Board provided mediation in seven impasse situations and fact-finding in five. Of the five fact-findings conducted, three resulted in settlement, one led to mediation, and the other remains unresolved; of the seven mediations provided, all resulted in settlements.

STATE EMPLOYEES CLASSIFICATION AND WAGE APPEALS

GOAL: To insure that state government employees have an effective and equitable classification and wage plan.

OBJECTIVES: Provide state employees with a procedure with which to appeal classifications and wage schedules which the Department of Administration is to develop.

EVALUATIONS: The classification plan is presently being developed and the wage plan must first meet Legislative approval before taking effect. The Board of Personnel Appeals had no real activity in this area other than preliminary research and drafting of the appeals procedure.

